

**FILED**

**AUG 30 2002**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**RECEIVED  
CLERK**

**OBTEK, INC.**  
901 Main Street  
Suite 4100  
Dallas, TX 75202-3775

Plaintiff,

v.

**SECURITIES AND EXCHANGE  
COMMISSION**  
450 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20545

Defendant

**CASE NUMBER 1:02CV01734**

**JUDGE: Ricardo M. Urbina**

**DECK TYPE: FOIA/Privacy Act**

**DATE STAMP: 08/30/2002**

**FILED**

**COMPLAINT FOR INJUNCTIVE RELIEF**

[Freedom of Information Act, 5 U.S.C. § 552;  
Privacy Act, 5 U.S.C. § 552(a)]

**JURISDICTION AND PARTIES**

1. Obtek, Inc. ("Obtek") is a Delaware corporation with its principal place of business in Dallas, Texas.
2. Defendant Securities and Exchange Commission ("SEC") is an agency of the United States government and has possession and control of the documents requested by Obtek that is the subject of this action.
3. Obtek seeks information from the above named defendant in order to prepare for and prosecute a lawsuit presently pending in the State Court in Rockwell County, Texas against Lucent Technologies, Inc. ("Lucent").

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CAUSE OF ACTION

4. By letter dated February 5, 2002, Obtek, through counsel, submitted a request to the SEC FOIA Officer for copies of all documents of the SEC concerning any investigation of Lucent accounting and/or business practices in 1999 and 2000 and any regulatory proceedings against Lucent since April 2000. See, Exhibit 1.

5. By letter dated February 26, 2002, SEC acknowledged receipt of Obtek's request. Obtek was advised that the SEC has voluminous documents responsive to its request in that it anticipated a review of responsive documents would begin "in about six months." See, Exhibit 2.

6. By letter dated February 28, 2002, Obtek authorized the SEC to proceed its processing of its request. See, Exhibit 3.

7. By letter dated March 13, 2002, the SEC noted that they would contact Obtek once the search for the responsive documents was begun. See, Exhibit 4.

8. By letter dated January 10, 2002, Obtek advised the SEC of the urgent need for the documents for purposes of preparing for litigation involving Obtek and against Lucent and other parties. See, Exhibit 5.

9. By letter dated July 22, 2002, the SEC advised Obtek they would not expedite processing of the request. See, Exhibit 6.

10. No further correspondence has been received from defendant.

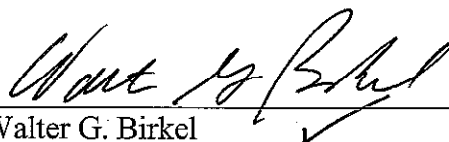
11. Obtek has exhausted its administrative remedies.

12. Obtek has a legal right under FOIA to obtain the information it seeks, and there is no legal basis for defendant's denial of said right.

WHEREFORE, Obtek prays that this Court:

- (1) Order defendants to make the requested information promptly available to him;
- (2) Order defendants to expeditiously prepare a Vaughn v. Rosen index justifying any redactions;
- (3) Award plaintiff reasonable costs and attorney's fees as provided in 5 U.S.C. § 552(a) (4) (E) and/or 28 U.S.C. § 2412(d); and
- (4) Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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August 29, 2002